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JUL 8 1985

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Honorable Kenneth R. Lewter
Superintendent
Limestone County Board of Education
300 South Jefferson Street
Athens, Alabama 35611

Boards of Education - Employers,
Employees, Employment - Leave

Individual employed in two
positions with a County Board of
Education can receive maximum
number of sick leave days from
each position.

Dear Mr. Lewter:

The Attorney General received your request on the behalf
of the Limestone County Board of Education for an opinion from
the Attorney General regarding the following questions:

"1. In the situation where a professional or nonprofessional support employee is hired by the Board of Education for two different positions (i.e. teacher and bus driver or janitor and bus driver), is that employee entitled to the maximum amount of annual sick leave for his position as janitor and the maximum amount of annual sick leave as a bus driver? In other words, can a single employee obtain twice as much sick leave as a result of being employed by the Board in a dual capacity?

2. Can such an employee who is employed in a dual capacity add unused sick leave from both his position as a janitor and unused sick leave from his position as a bus driver to augment his retirement benefits?"

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Superintendent
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Each of your questions are to be answered in the affirmative.

Sick leave and personal leave are granted to teachers by statute as an incident or benefit of employment. Words and Phrases, Vol. 39 "Sick Leave"; Green v. Fairfield City Board of Education, 365 So.2d 1217 (Ala.Civ.App. 1978), cert. denied, 365 So.2d 1220 (Ala. 1978). When an individual is employed in dual positions with a County Board of Education, he is employed in two separate jobs. In that the jobs are separate, the sick leave for each job is also separate. Thus, an employee employed in dual positions by the Limestone County Board of Education is entitled to the maximum number of sick leave days for each position.

The answer to your second question depends on the particular rules and regulations governing the retirement benefits of the employee. However, considering the answer to the first question, if there are no specific rules and regulations on this matter, an individual employed in dual positions with the Limestone County Board of Education can add unused sick leave from each position to augment his retirement benefits.

As to increases in salary, normally salary increases are given according to position or job.

I hope that your questions have been adequately answered.

If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:



LYNDA K. OSWALD
Assistant Attorney General

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